

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLIE'S MEDITERRANEAN CUISINE, a/k/a,
RESTAURANT MANAGEMENT & PROCUREMENT,
LLC, a Michigan Limited Liability Company,

Plaintiff/Counter Defendant,

Case No. 08-12074

v.

HONORABLE DENISE PAGE HOOD

RESTAURANT PROPERTIES PITTSFIELD, LLC
a Michigan Limited Liability Company, UNITED STATES
OF AMERICA, THE PRIVATE BANK, a Michigan Banking
Company, GLOBAL RESTAURANT GROUP HOLDING
COMPANY, LLC, a Michigan Limited Liability Company,
GLOBAL RESTAURANT GROUP, INC., a Michigan
Corporation, & MICHIGAN DEPT. OF TREASURY,

Defendants/Counter-Plaintiffs,

v.

KHALIL BAZZI, an individual, KAYED BAZZI, an individual,
& SAM BAZZI, an individual,

Third-Party Defendants.

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ORDER ON

1) PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION
2) PLAINTIFF'S MOTION FOR EXPEDITED HEARING

This matter is before the Court on Plaintiff's Motion for Preliminary Injunction [Dkt. #16] and Plaintiff's Motion for Expedited Hearing [Dkt. #20]. A hearing on the motions was held on July 16, 2008.

The purpose of a preliminary injunction is merely to preserve the relative positions of the

parties until a trial on the merits can be held. *Six Clinics Holding Corp., II v. Cafcomp Sys., Inc.*, 119 F.3d 393, 400 (6th Cir. 1997). Four factors must be considered in determining whether a preliminary injunction is proper: 1) the likelihood of the plaintiff's success; 2) whether the plaintiff will suffer irreparable injury without the injunction; 3) the harm to others which will occur if the injunction is granted; and 4) whether the injunction would serve the public interest. *In re Delorean Motor Co.*, 755 F.2d 1223, 1228 (6th Cir. 1992). Each of these factors are to be balanced and no single factor is determinative. *Id.* at 1229. Moreover, a district court must make specific findings concerning each of the four factors unless fewer are dispositive of the issue. *Id.*

At the hearing, counsel for Defendant The Priviate Bank indicated that the party against whom Plaintiff seeks injunctive relief is not a party to this action. Plaintiff's counsel was not aware of this fact before the hearing, but nevertheless consented to a dismissal of the Motion for Preliminary Injunction without prejudice.

In light of the foregoing, and for the reasons stated on the record,

IT IS ORDERED that Plaintiff's Motion for Preliminary Injunction [Dkt. #16] is
DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Plaintiff's Motion for Expedited Hearing [Dkt. #20] is
DISMISSED AS MOOT.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: July 18, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 18, 2008, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager